

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 19098 of 2007(W)

PETITIONER:

**SUNILA, AGED 44, D/O THANKAMMA,
C.S.BHAVAN, KOTTAKUZHI, NELLIMOODU P.O.
AIYAH, CBSE SCHOOL, NEDUMANGAD.**

**BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL**

RESPONDENTS:

- 1. THE PRINCIPAL SECRETARY,
DEPARTMENT FOR DEVELOPMENT OF SCHEDULED CASTE AND
SCHEDULED TRIBE, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. DIRECTOR, DIRECTORATE FOR DEVELOPMENT
SCHEDULED CASTE, NADAVANAM,
THIRUVANANTHAPURAM.**
- 3. DIRECTOR,
DIRECTORATE FOR DEVELOPMENT OF SCHEDULED TRIBE,
VIKAS BHAVAN, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. SANTHOSH KUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 19098/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER DT. 6/6/03.

EXT.P2. COPY OF THE REPRESENTATION DT. 20/7/05.

EXT.P3. COPY OF THE ORDER DT. 28/2/2006 BY THE R1.

EXT.P4. COPY OF THE REPRESENTATION DT. 27/6/06 BY PETITIONER BEFORE THE R2.

RESPONDENT'S EXHIBITS NIL.

True copy

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V.GIRI,J.

W.P.(C) No. 19098 of 2007

Dated this the 19th day of September, 2007

JUDGMENT

The petitioner, working as an Ayah in the Scheduled Tribe Development Department, was given an inter-departmental transfer and directed to be posted in the Scheduled Caste Development Department in Thiruvananthapuram District. The grievance of the petitioner is that in spite of the fact that Ext.P3 Order is dated 28.2.2006, she is yet to be given a posting in the Department of Scheduled Caste Development in Thiruvananthapuram District. Ext.P4 representation filed by her also did not elicit any positive response, according to her. A counter affidavit is filed on behalf of the respondents wherein the contention is that there are no vacancies as such in the post of Ayah in the Department of Scheduled Caste Development in Thiruvananthapuram District, at present.

2. The learned Special Government Pleader Mr.Santhosh Kumar submits, on instructions, that there two vacancies were reported to Public Service Commission and that persons are now working on daily wages in the said vacancies. It is also contended by the learned counsel for the petitioner that vacancies were reported to the Public Service Commission in the year 2004 and that the Public Service Commission is yet to complete selection for regular recruitment.

3. Ext.P3 order is still in force. Government is bound to give a posting

to the petitioner in the Scheduled Caste Development Department in Thiruvananthapuram District. There are two vacancies in the department, at present. No doubt, this has been reported to the Public Service Commission. Therefore a regular posting in the said vacancies cannot be given to the petitioner. But, nevertheless since the PSC is yet to complete the selection, it would be appropriate that the petitioner be given a posting in any of the said vacancies in the Department of Scheduled Caste Development in Thiruvananthapuram District pursuant to Ext.P3.

4. In the circumstances, this **writ petition is disposed of** in the following terms:

i) The second respondent shall give an appropriate place of posting to the petitioner as an Ayah in the Scheduled Caste Development Department in Thiruvananthapuram District, within a period of one month from the date of receipt of a copy of this judgment, which the petitioner shall produce along with the representation, within a period of two weeks from today.

ii) Once the PSC completes the selection and regular hands report for duty, it is open to the Department to shift the petitioner to any other vacancy which is then available. In doing so, the second respondent shall, as far as possible, accommodate the petitioner in a place near to her place of residence.

V.GIRI, JUDGE



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